

REMARKS

Favorable reconsideration and allowance of the subject application are respectfully requested in view of the following remarks.

Summary of the Office Action

The title stands objected to.

Claims 1-28 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Claims 1-28 stand allowable if amended to overcome the rejections under 35 U.S.C. §112, second paragraph.

Summary of the Response to the Office Action

A Submission of Priority Document along with a certified copy of Japanese Patent Application No. 2000-313588 is submitted herewith. Applicant amends the title, and claims 1, 5, 8, 12, 15, 19, 21, 22 and 26 by this amendment. Accordingly, claims 1-28 remain currently pending.

Objection to the Title

The title stands objected to for allegedly being not descriptive. Applicant amends the title to address the Examiner's concerns. Accordingly, Applicant respectfully requests the objection to the title be withdrawn.

The Disposition of the Claims

Applicant appreciates the Examiner's indication that claims 1-28 would be allowable if amended to overcome the rejections under 35 U.S.C. §112, second paragraph as noted at paragraph 5 of the Office Action. Accordingly, Applicant amends the claims and addresses the 35 U.S.C. §112, second paragraph as follows.

Claim Rejection Under 35 U.S.C. §112, Second Paragraph

Claims 1-28 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite because the Office Action asserts that the phrase "retrieving a non-used area," as recited in independent claims 1, 8, 15, and 22 is unclear. Applicant amends the claims to differently describe the invention. Thus, Applicant respectfully submits that claims 1-28, as amended, fully comply with the requirements of 35 U.S.C. § 112, second paragraph.

Further, Applicant respectfully submits that the amendments to claims 1-28 are made merely to even better set forth the intended scope of the claims and are not intended to narrow the scope of the claims. Thus, Applicant does not intend to relinquish any subject matter as a result of this amendment. Accordingly, the Examiner's consideration and withdrawal of this rejection are respectfully requested.

Conclusion


In view of the foregoing, withdrawal of the rejections and allowance of the pending claims are earnestly solicited. Should there remain any questions or comments regarding this response or the application in general, the Examiner is urged to contact the undersigned at the number listed below.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310.

If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: 
Victoria D. Hao
Registration No. 47,630

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Customer No.: 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: 202.739.3000
Facsimile: 202.739.3001